REMARKS

Claims 1-10 are currently pending.

Claims 1-10 are rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,364,768 in view of Olsen ('273). A terminal disclaimer is being filed herewith in traverse of this rejection.

Claims 1-3 and 6-10 are rejected under 35 USC 102(a) as being anticipated by Acres '961 (5,655,961) owned in common with the present application. In making the rejection the Examiner has essentially repeated the claim elements of independent claim 1 with the exception that the "bonus token signal" in claim 1 has instead been referred to as the "bonus signal." Applicants traverse this rejection.

It is our opinion that the Examiner has misread the '961 patent as teaching the concept of bonusing via "tokens" received and kept at the machine for so long as the token is stored at the machine. It states clearly in column 26, line 46 that bonuses are turned off by "sending a message to the individual DCN." These sorts of messages are clearly not tokens. Furthermore, as stated in column 37, line 14, the floor controller checks to see whether bonus conditions are met and sends signals to the individual gaming machines when those conditions are or are not met. No mention is made of bonus tokens.

As we argued in our response to the first office action, bonus activations and deactivations had been accomplished in the cited prior art by sending message signals – one to turn bonus on, and one to turn bonus off – rather than key bonus activation on a resident bonus token stored at the machine. Accordingly, claim 1 has been amended to recite the additional step of, "storing the bonus token signal at the at least one of the first selected subset of the plurality of gaming machines over the bonus period." Claim 9 has likewise been amended to recite a "storage means adapted to store the bonus token signal at the gaming machine during an entire period of operation in the bonus operation mode." This is in contrast with message or flag signals which are received, processed, and then overwritten in memory since there would be no reason to maintain the signal in memory over the bonus period.

A critical aspect of the invention, and one that clearly distinguishes it over co-owned patent Acres '961, is the concept of a TOKEN. The present invention claims the use of a bonus TOKEN signal, in which electronic tokens reside in certain machines to allow bonusing. (e.g. CLAIM 1 – "sending a bonus token signal to at least one of the" gaming machines; CLAIMS 3 & 7 – "removing the bonus token signal from the" gaming machines; CLAIM 8 – "reserving the bonus token at a bonus server"; CLAIM 9 – "gaming machines
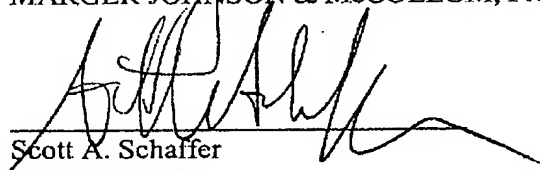
switches from the normal operation mode to the bonus operation mode responsive to the bonus token signal". In practice, and as described within the specification of the present application, the token is passed to multiple machines, between gaming machines, and from the gaming machine back to the bonus server from which it originated.

The implementation of bonuses in gaming machines by passing tokens through a network is revolutionary over the industry's previous method of using bonus trigger signals. As an example of how a bonus token signal is unlike normal trigger signals that instruct a gaming machine to turn bonusing 'on' and another to turn it 'off', claims 3 and 7 of the present application call for the bonus token signal to be "removed" from the gaming machine. This would be impossible with a normal trigger signal as there is nothing to return and, once the bonusing is turned off, no reason to return the signal. Tokens, in particular embodiments of the invention, are intended to reside in locations where bonuses are active or, if no bonus is active, in the bonus server for later distribution.

The present invention claiming of bonus tokens to initiate bonuses is different from that taught in Acres '961, where a signal is routed to particular control circuits of gaming machines with an activation signal to turn on a bonus flag, or a deactivation signal to turn the bonus flag off. No use of tokens to enact bonusing identification is disclosed. And though the Examiner did not address the issue, Acres '961 does not teach the concept of a temporary bonus pool (claim 4), nor specify the games responsible for funding the temporary bonus pool (claim 5). Thus, anticipation rejections in view of the art of record would be clearly erroneous.

For the foregoing reasons, reconsideration and allowance of claims 1-10 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.

Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613
Customer No. 20575

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